

AMENDMENTS TO THE DRAWINGS

The attached new sheet of drawings includes new Figure 4.

Attachment: New Sheet

REMARKS

By this amendment, Applicant submits new drawing Figure 4, amends the specification to refer to Figure 4, and includes the Leeming Declaration attached hereto. As noted in the previous response, claims 41–51 are copied from U.S. Patent Application Serial No. 11/668,124, filed January 29, 2007 (“the ’124 application”), and Applicant has suggested an interference with the ’124 application. Applicant hereby reiterates his suggestion for interference.

Specification

The specification is amended to include reference to new Figure 4. For the reasons set forth below with respect to the rejection under 35 U.S.C. § 112, first paragraph, and the drawing amendments, the amendments to the specification do not include new matter. In short, one skilled in the art would understand the disclosure in the present application of attaching a plurality of frames to a vehicle in “the same way as the conventional slat armour,” as disclosing “one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle,” as recited in claim 41 and depicted in Figure 4.

Drawings

In the Office action, the drawings are objected to under 37 C.F.R. § 1.83(a). Specifically, the Office action notes that claim 41 recites “one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on the other

side.” The Office action then states that “[t]he claimed barrier must be shown or the feature(s) cancelled from the claim(s).” OA at 2.

In response, Applicant submits new Figure 4. No new matter is submitted in Figure 4 for the reasons set forth below with respect to the rejection under 35 U.S.C. § 112, first paragraph, related to the same claim limitation. In short, one skilled in the art would understand the disclosure in the present application of attaching a plurality of frames to a vehicle in “the same way as the conventional slat armour,” as disclosing “one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle,” as recited in claim 41 and depicted in Figure 4.

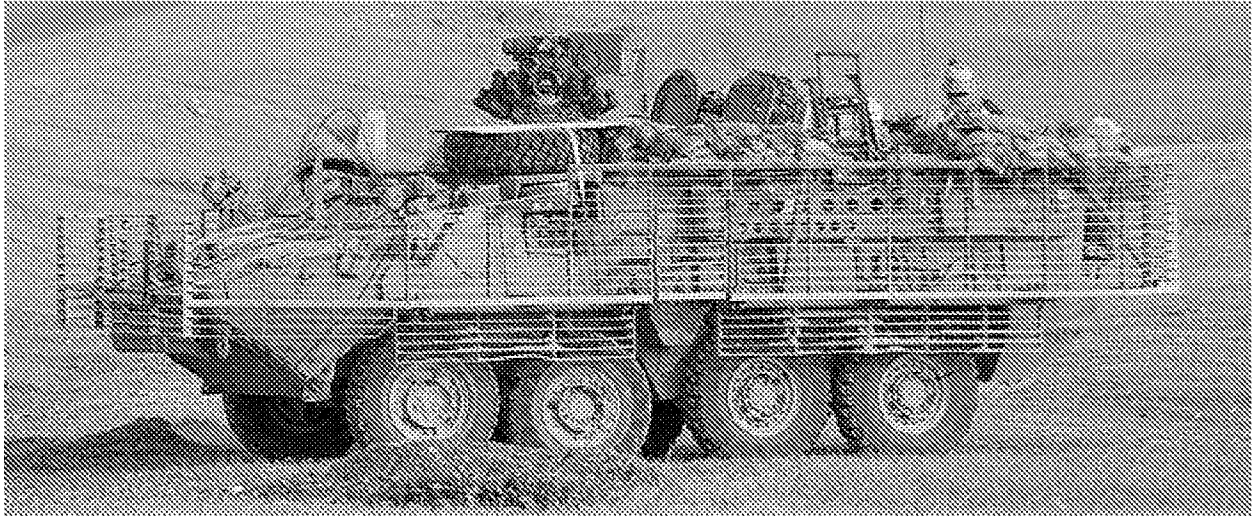
35 U.S.C. § 112

In the Office action claims 41-51 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office action asserts that “[w]hile the Applicant’s disclosure may support a shaped frame, the support is silent with regard to the use of differently shaped frames positioned on different sides of the vehicle.” OA at 3.

To the contrary, one skilled in the art would understand the disclosure in the present application of attaching a plurality of frames to a vehicle in “the same way as the conventional slat armour,” as disclosing “one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle,” as recited in claim 41. Leeming Declaration at ¶ 2.

Specifically, the specification discloses a plurality of shaped frames. Specification at 7:19–21 (“The frame structure may be square, rectangular, circular, triangular, arched, pentagonal, hexagonal or any other regular or irregular shape which is capable of supporting a textile section.”); 8:24–25 (“The plurality of supporting means may conveniently comprise frame structures which may be connected together to form a framework of interconnected support members.”). The specification further discloses that those plurality of shaped frames are “fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour.” Specification at 8:7–9. *See also* Specification at 2:29–30 (“The present invention may be incorporated into armour systems to be fitted to military vehicles, in much the same way as the conventional slat armour.”); 12:15–16 (“The textile armour 2 may be combined with other frame sections 7 to form a larger textile armour system.”). And, the present specification provides a specific example of an armoured personnel carrier having conventional slat armour, namely, the “Stryker APC.” Specification at 2:5–6 (“Slat armour has been used by ... the American army, on the Stryker APC”).

At the time of the filing of the present application, one skilled in the art would understand how slat armor was used on the “Stryker APC.” Leeming Declaration at ¶ 3. Specifically, one skilled in the art would have understood that conventional slat armor would include the use of differently shaped frames positioned on different sides of a vehicle. Leeming Declaration at ¶ 4. This understanding is further supported by Exhibit A to the Leeming Declaration. Exhibit A is an image dated March 31, 2005, showing a US Army M1126 Stryker Infantry Carrier Vehicle (ICV) with Slat Armor cage...,” a portion of which is reproduced below:



As clearly shown in Exhibit A, the Stryker APC with a slat armor cage includes the use of differently shaped frames positioned on different sides of the vehicle. Leeming Declaration at ¶ 4. This was well known to one skilled in the art at least by the time of filing the present application. Leeming Declaration at ¶ 4. Thus, one skilled in the art would understand the disclosure in the present application of attaching the plurality of frames to a vehicle in “the same way as the conventional slat armour,” as disclosing “one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle,” as recited in claim 41. Leeming Declaration at ¶ 2.

Because the present specification provides written description for the limitation “one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle,” as recited in claim 41, Applicant requests that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that the present claims are in condition for allowance. Because the present claims are substantially the same as the currently allowed claims in the '124 application, Applicant respectfully suggests that an interference be declared between the '605 application and the '124 application. If the Examiner has any questions or matters that can be expediently handled by telephone, he or she is encouraged to contact the undersigned at (310) 788-3271.

Dated: June 21, 2011

Respectfully submitted,

By / Joseph P. HAMILTON /
Joseph P. Hamilton
Registration No.: 51,770
PERKINS COIE LLP
P.O. Box 1208
Seattle, Washington 98111-1208
(310) 788-3271
(206) 359-9000 (Fax)
Attorney for Applicant